

Application No.: 10/612,631
Amdt dated: July 25, 2008
Reply to Office action of March 26, 2008

REMARKS/ARGUMENTS

This Amendment is filed in response to the Office Action that was mailed on March 26, 2008. Claims 26-31, 33-40, and 42-47 were considered by the Examiner. In this paper, Claims 26-28 have been amended, no claims have been canceled, and no new claims have been added. Therefore, Claims 26-31, 33-40, and 42-47 are now before the Examiner for consideration. No new matter has been added in these amendments.

Summary of the Office Action

In the Office Action, the Examiner objected to Claim 27 on the basis of certain informalities. The Examiner rejected Claims 26, 28-29, 31, 33, 40, and 42 under 35 U.S.C. §102(b) as being anticipated by Daley, Jr. (U.S. Patent No. 5,112,255). The Examiner rejected Claims 30, 34-39, and 43-47 under 35 U.S.C. §103(a) as being unpatentable over Daley. The Examiner rejected Claim 27 under 35 U.S.C. §103(a) as being unpatentable over Daley in view of Cecil (U.S. Patent No 6,729,529). For at least the reasons discussed below, applicant respectfully traverses these rejections.

Regarding the Objections to Claim 27

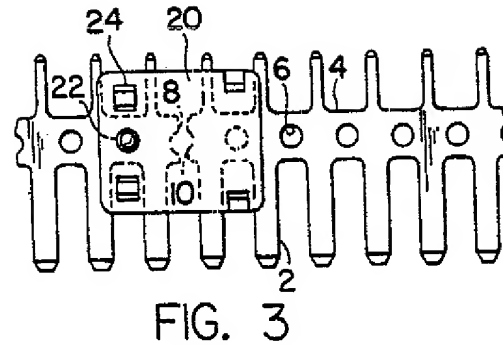
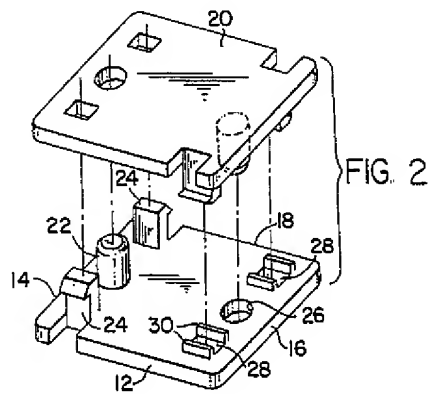
In the Office Action, Claim 27 was objected to for beginning with "A securing mechanism." In this paper, Claim 27 has been amended as suggested by the Examiner to begin "The" securing mechanism. Accordingly, Applicant respectfully

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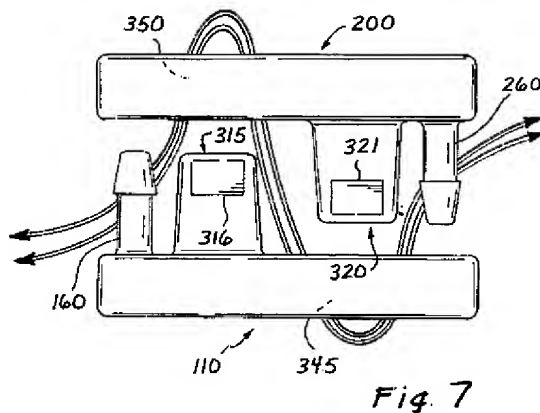
submits that this objection is no longer applicable, and Applicant requests its withdrawal.

Regarding the Rejections Based on Daley

Daley relates to a joiner for joining electrical terminal strip segments. (Daley, col. 1, lines 6-7). The joiner comprises two identical joiner halves which snap together around the ends of the terminal strip segments. (Daley, col. 4, lines 16-19). As illustrated in Figure 2, which is reproduced below, a joiner half has a body 12 with a cylindrical post 22 and two locking fingers 24 extending therefrom. (Daley, col. 4, lines 34-43). The post 22 is "sized to pass through the pilot hole 6 of the terminal strip for which the joiner is designed and is long enough to pass through both the pilot hole 6 and a post hole 26 of another joiner half." (Daley, col. 4, lines 43-46). Once assembled around the terminal strip, the joiner can be fed smoothly from the reel and into the feed track of an automatic terminal insertion machine without jamming or tangling because the terminal strip is maintained in a substantially planar configuration with no projections which can snag or tangle with the machine. (Daley, col. 5, lines 8-16). Figure 3, also reproduced below, illustrates terminal strip segments joined by the joiner described in Daley. (Daley, col. 4, lines 4-5).



In contrast to the electrical terminal strip joiner described in Daley, in various claimed embodiments, the present Application relates to a securing mechanism *for securing a pair of free ends of a suture*. Rather than maintaining a planar orientation of the suture to be secured, in an embodiment illustrated in Figure 7 of the present Application, (reproduced below), a disclosed securing mechanism has structural features configured to form a convoluted pathway for the suture.



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The claims of the present Application recite features neither disclosed nor suggested in Daley. While Applicant believes the claims as previously presented were distinguishable over the joiner described in Daley, Applicant has amended independent Claims 26 and 28 herein to further define the claimed securing mechanism.

For example, Claim 26 relates to a securing mechanism comprising, among other limitations, a first interlocking member having a base and a standing portion "including a suture path surface offset from the base and configured to receive a portion of the suture." The securing mechanism further comprises, among other limitations, a second interlocking member having a mating window. When the first and second interlocking members are operably connected with each other, "the standing portion on the first interlocking member mates with the mating window on the second interlocking member such that the suture path surface extends at least partially into the mating window." When the standing portion and mating window are mated together, "at least a portion of the suture is retained in a convoluted pathway."

Daley fails to disclose a securing mechanism as recited in Claim 26. Neither the post 22, nor the locking fingers 24 described in Daley include a "suture path surface" as is recited in Claim 26. Moreover, when the joiner described in Daley is applied to a terminal strip, the halves of the joiner sandwich the strip in a planar configuration so that, as noted above, the entire assembly can be fed through a machine without snagging or tangling. Thus, Daley fails to disclose "a convoluted pathway," as recited in Claim 26.

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Accordingly, for at least the reasons discussed above, Claim 26 is distinguishable over the applied art. Claims 31 and 33 depend from Claim 26 and recite additional novel and nonobvious limitations thereon. Accordingly, for at least the reasons discussed above with respect Claim 26, Claims 31 and 33 are distinguishable over the applied art.

As noted above, Claims 30 and 34-38 were rejected under 35 USC §103(a) as being unpatentable over Daley. Claims 30 and 34-38 depend from Claim 26 and recite additional novel and nonobvious limitations thereon. As discussed above with respect Claim 26, Daley fails to disclose all of the limitations recited therein. Moreover, Daley fails to suggest a securing mechanism as recited in Claim 26. In contrast, Daley teaches away from configuring the joiner described therein to have a "convoluted pathway" for the terminal members secured therewith. Rather, Daley repeatedly emphasizes the importance of having the joiner be fed smoothly in a terminal insertion machine. (Daley, col. 2, lines 16-36, 63-68, col. 3, lines 26-30, col. 5, lines 8-16, col. 6, lines 65-68, col. 7, lines 1-6, 13-17). Thus, one of skill in the art would be dissuaded by Daley from modifying the joiner therein to achieve the securing mechanism recited in Claim 26, from which Claims 30 and 34-38 depend. Accordingly, since Daley fails to disclose or suggest all of the limitations of Claims 30 and 34-38, these claims are distinguishable over the applied art.

Claim 28 relates to a securing mechanism for securing a pair of free ends of a suture comprising, among other limitations, a first interlocking member having a base

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and a standing portion "having a suture path surface offset from the base and configured to receive a portion of the suture." The securing mechanism further comprises, among other limitations, a second interlocking member having a mating window operably connecting with the standing portion of the first interlocking member. When the standing portion and the mating window are mated together, at least a portion of the suture ends are "positioned through a convoluted pathway over the standing portion and at least partially extending into the mating window." For at least the reasons discussed above with respect to Claim 26, Daley fails to disclose a securing mechanism as recited in Claim 28.

Accordingly, Claim 28 is distinguishable over the applied art. Claims 29, 40, and 42 depend from Claim 28 and recite additional novel and nonobvious limitations thereon. Accordingly, Claims 29, 40, and 42 are distinguishable over the applied art for at least the reasons discussed above with respect to Claim 28.

As noted above, Claims 39 and 43-47 were rejected under 35 U.S.C. §103(a) as being unpatentable over Daley. Claims 39 and 43-47 depend from Claim 28 and recite additional novel and nonobvious limitations thereon. As discussed above with respect to Claim 28, Daley fails to disclose all of the limitations recited therein. Moreover, Daley fails to suggest a securing mechanism as recited in Claim 28. In contrast, Daley teaches away from configuring the joiner described therein to have a "convoluted pathway" for the terminal members secured therewith. Rather, Daley repeatedly emphasizes the importance of having the joiner be fed smoothly in a terminal insertion

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machine. (Daley, col. 2, lines 16-36, 63-68, col. 3, lines 26-30, col. 5, lines 8-16, col. 6, lines 65-68, col. 7, lines 1-6, 13-17). Thus, one of skill in the art would be dissuaded by Daley from modifying the joiner therein to achieve the securing mechanism recited in Claim 28, from which Claims 39 and 43-47 depend. Accordingly, since Daley fails to disclose or suggest all of the limitations of Claims 39 and 43-47, these claims are distinguishable over the applied art.

Regarding the Rejection over Daley in View of Cecil

As noted above, Claim 27 was rejected as being unpatentable over Daley in view of Cecil. Claim 27 depends from Claim 26 and recites additional novel and nonobvious limitations thereon. For at least the reasons discussed above with respect to Claim 26, Daley fails to disclose or suggest all of the limitations recited therein.

Cecil likewise fails to disclose or suggest the deficiencies of Daley discussed above. Cecil relates to a system for cutting and orbitally welding thin-walled tubing. (Cecil, Abstract). Cecil describes a welding cassette including a first half and a second half hingedly connected to the first half to position and align mating pieces of tubing so that the tubing can be autogenously orbitally welded. (Cecil, col. 6, lines 9-18). Thus, Cecil describes a device which extends with two halves that surround a tubular member, and Cecil fails to disclose or suggest a mechanism as recited in Claim 26 having a "standing portion on the first interlocking member [that] mates with the mating window on the second interlocking member *such that the suture path surface extends*

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at least partially into the mating window." (emphasis added). Cecil likewise fails to disclose or suggest that the thin-walled tubing is "retained in a convoluted pathway," as recited in Claim 26.

Accordingly, the combination of Daley and Cecil fails to disclose or suggest all of the limitations of Claim 26, from which Claim 27 depends. Thus for at least the reasons discussed above, Claim 27 is distinguishable over the applied art.

Conclusion

For at least the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowability is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is

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respectfully requested to call Applicant's attorney, John F. Heal, at (949) 713-8283 to
resolve such issues promptly.

Sincerely

APPLIED MEDICAL RESOURCES

BY DM (USPTO Reg # 53,257) or
David G. Majdali
Reg. No. 53,257
Tel: (949) 713-8233